



CITY OF CHICAGO



BOARD OF ETHICS

WAIVER FROM THE CITY'S POST-EMPLOYMENT RESTRICTIONS

At its May 22, 2023 meeting, the Board granted a retroactive waiver¹ from the Governmental Ethics Ordinance's post-employment restrictions² to Maria Martinez, a former City employee, by a vote of 5-0.

In accordance with §2-156-402 of the Ordinance, the following is a summary of the granted waiver.³

¹ 2-156-402. Waivers.

- (a) When requested by a city official or employee, the Board may grant a waiver from compliance with any of the following ...
- (2) The post-employment restrictions provided in Sections 2-156-100 and 2-156-105 ...
- (4) The restrictions pertaining to matters related to a city official's or employee's immediate former employer or client as provided in Section 2-156-111 (d).
- (b) Any waiver shall be in accordance with rules adopted by the Board, in writing and shall be made publicly available.

² 2-156-105. Post-employment restrictions on lobbying. (a) Any person who serves as (i) a non-clerical employee of the Office of the Mayor, or (ii) a department head, shall be prohibited from lobbying the City of Chicago or any city department, board or other city agency for a period of two years after leaving that position.

2-156-100. Post-employment restrictions on assistance and representation. (a) No former official or employee shall assist or represent any person other than the city in any judicial or administrative proceeding involving the city or any of its agencies, if the official or employee was counsel of record or participated personally and substantially in the proceeding during his term of office or employment. (b) No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the city or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract. (c) Nothing in this section shall be construed to restrict a former official's or employee's activities on behalf of, and while employed by, another government agency.

2-156-111. Prohibited conduct. (d) (1) No city employee or official shall make or participate in the making of any governmental decision for a period of two years from the date of employment or becoming a city official, in a matter that benefits his or her immediate former employer or immediate former client who the employee or official represented or on whose behalf he or she acted as a consultant or lobbyist prior to commencing his or her city employment or prior to becoming a city official, unless such employee or official has completely severed any ties with that former employer or client that would confer, or have the potential to confer, a monetary benefit on the employee or official. For purposes of this subsection, publicly traded securities or income therefrom, and vested benefits in a retirement plan, shall not be considered a monetary benefit.

(2) No City employee or official shall personally participate in any capacity in a matter on behalf of the City if the official or employee participated personally and substantially in that matter for his or her immediate former business or immediate former employer or immediate former client who the employee or official represented or on whose behalf he or she acted as a consultant or lobbyist, prior to commencing his or her City employment or prior to becoming a City official.

³ Board of Ethics Rule 9, entitled **Waivers**, states:

(1) Pursuant to §2-156-402 of the Ordinance, the Board may grant any current or former City employee or official waiver from compliance with respect to the following provisions of the Ordinance: (i) §2-156-142(a) (gifts) to the extent the waivers apply to material or travel expense for meetings; (ii) §§2-156-100 and 2-156-105 (post-employment restrictions); (iii) §2-156-110 (financial interest in City business); and (iv) §2-156-111(d) (the reverse revolving door restrictions) as to matters related to a city official's or employee's immediate former employer or client.

(2) In order for the Board to grant a waiver, a current or former city employee or official must request it in writing. The request must include: (i) the name of the requestor; (ii) the requestor's agency and where the requestor works; (iii) the requestor's title; (iv) the requestor's responsibilities; (v) a

On Tuesday, April 18, 2023, Maria Martinez, a former City employee, requested that the Board grant her a waiver pursuant to §2-156-402(b) of the Ethics Ordinance so that she can continue to serve as a volunteer legal advisor to Chicago for the People (the “Transition Team”), a not-for-profit corporation established to support the transition of then Mayor-elect Brandon Johnson. Ms. Martinez worked in the Intergovernmental Affairs Office within the Mayor’s Office from November 2020 until January 2023. Her title was Senior Legislative Counsel at the time she left City service.

Ms. Martinez’s volunteer work for the Transition Team is akin to the “government to government” exception to the Ordinance’s post-employment prohibitions, whereby former City employees are permitted to work for other governmental agencies in recognition of circumstances in which the former employee’s new job is still inherently in the service of the public. Further, it also serves the public interest that then Mayor-elect Johnson be entitled to choose those individuals for his Transition Team whom he believes will best assist him as he prepared to take office.

The Board granted the requested waiver retroactively as it applies to Ms. Martinez’s participation on the Transition Team in part because: (i) Chicago for the People’s interests are inherently aligned with those of the City; and (ii) Ms. Martinez will not personally profit from a waiver.

detailed description of the situation; and (vi) permission for the Board or its staff to communicate with third parties as necessary and appropriate for the Board to determine whether to grant or deny the waiver.

(3) The Board may grant a waiver with conditions, restrictions or limitations, including that the waiver may be withdrawn or modified upon contingencies set forth in the waiver grant from the Board.

(4) The waiver itself, if granted, shall be made public in a manner prescribed by the Board. However, the request and any information or documents related to the request or the Board’s determination shall not be made public and shall be and remain subject to the Ordinance’s and Board’s rules on confidentiality.

(5) If the waiver request discloses a past or existing violation of the Ordinance that is not minor, the Board shall share that information with the appropriate investigating authority pursuant to Rule 3-11. 1 See Miss. Code Ann. §5-8-17 and Illinois Administrative Code Title 2, Subtitle C, c. III, §560.390 (b). 29 (6) Upon receiving the waiver request, obtaining all necessary additional information, and considering the request, the Executive Director shall recommend that the Board grant or deny a complete or limited written waiver to the city employee or official. The Executive Director shall retain a copy of the grant or denial in the Board’s files; report on the matter to the Board pursuant to the Open Meetings Act; and make the waiver public in a manner prescribed by the Board.

(6) Upon receiving the waiver request, obtaining all necessary additional information, and considering the request, the Executive Director shall recommend that the Board grant or deny a complete or limited written waiver to the city employee or official. The Executive Director shall retain a copy of the grant or denial in the Board’s files; report on the matter to the Board pursuant to the Open Meetings Act; and make the waiver public in a manner prescribed by the Board.